



## Department of Public Safety and Correctional Services

### Office of the Secretary

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January 25, 2006

STATE OF MARYLAND

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DEPUTY SECRETARY

DIVISION OF CORRECTION

DIVISION OF PAROLE AND  
PROBATION

DIVISION OF PRETRIAL  
DETENTION AND SERVICES

PATUXENT INSTITUTION

MARYLAND COMMISSION  
ON CORRECTIONAL  
STANDARDS

CORRECTIONAL TRAINING  
COMMISSION

POLICE TRAINING  
COMMISSION

MARYLAND PAROLE  
COMMISSION

CRIMINAL INJURIES  
COMPENSATION BOARD

EMERGENCY NUMBER  
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

The Honorable James E. DeGrange, Sr.  
Chair, Senate Public Safety, Transportation, and Environment Subcommittee  
Room 120, James Senate Office Building  
Annapolis, Maryland 21401-1991

RE: Department of Public Safety and Correctional Services  
Office of the Secretary – Operating Budget Analysis  
Response

Dear Senator DeGrange:

Attached for your reference is the Department's discussion pertaining to issues in the DPSCS Office of the Secretary Operating Budget Analysis.

I hope this information is responsive to the issues and concerns that were raised by the analyst. Let me extend my sincere thanks to you and the Subcommittee for your ongoing interest in and continuing support for the Department of Public Safety and Correctional Services. I welcome the opportunity to provide additional information and assistance should you have any questions with respect to this issue.

Sincerely,

Mary Ann Saar  
Secretary

c: G. Lawrence Franklin, Deputy Secretary for Administration, DPSCS  
Mary L. Livers, Ph.D., Deputy Secretary for Operations, DPSCS  
Richard B. Rosenblatt, Assistant Secretary for Treatment Services, DPSCS  
David N. Bezanson, Assistant Secretary for Property Services, DPSCS  
Jacqueline Lampell, Executive Director of Communications, DPSCS  
Rhea L. Harris, Director, Office of Legislative Affairs, DPSCS  
Edward Cheston, Staff, Senate Budget & Taxation Committee  
Robert Berkey, Budget Analyst, Office of Budget Analysis, DBM  
Keri Beth Cain, Policy Analyst, DLS

**Issue:** The Department should also be prepared to discuss the impact of the nationwide healthcare provider shortage on its staffing levels and the impact of the shortage on contract costs.

**Response:**

To date, the health care providers have been able to substantially exceed the staffing of the prior providers in accordance with the current contract although it is true that certain shortages, particularly in nursing, have precluded the providers from attaining staffing goals. Nevertheless, progress has been realized. For the most part, requests from providers for modification of the staffing plans set forth in the contract have been based on programmatic needs or requirements (e.g., the staffing plan calls for a Registered Nurse (RN), but no duties requiring an RN are actually associated with the position – so a request may be made to modify the plan to change the requirement to a Licensed Practical Nurse (LPN)).

The “time and materials” formulation under the contract has had a positive impact on contract costs insofar as vacancies are concerned. Unlike the prior contract where a flat monthly rate was paid to the vendor and the State was forced to audit and exact damages from the contractor for failure to adequately staff, the State pays on the current contract only for hours actually worked based upon submission of time records. Thus, payment is not made for vacant positions.

**Issue:** The Department should be prepared to discuss current estimates for expenditures for future years, especially the anticipated decrease at DPDS.

**Response:**

The Department does not currently have sufficient reliable data to allow for sophisticated analysis to provide accurate estimates of medical expenditures to particular institutions based on actual costs. Instead, system-wide medical expenditures are projected, a per-capita cost determined, and the "full state" medical budget allocated across the multiple institutions based on the average daily population at each site. Thus, the "decrease" at the Division of Pretrial Detention and Services (DPDS) is NOT based on an actual decrease in expenditures at that site; it is based on a decrease in the average daily population (ADP) which is multiplied by the per capita cost factor.

The first six months' experience with the current contracts clearly points out the deficiencies in data from the prior provider. Pharmacy costs and secondary care costs (including hospitalization) are being incurred at levels above those initially projected. The evolution of Hepatitis C treatment is slower than projected. However, if the trends in actual expenditures for pharmacy and secondary care continue into the next fiscal year, and if Hepatitis C treatment accelerates in the next fiscal year, there could be increases in medical costs. At this time, there is insufficient historical data and information on which to base a meaningful projection beyond that which has been submitted.

**Issue:** The Department should be prepared to update the committees on contractor interaction and cooperation.

**Response:**

The system of coordination and cooperation outlined by the analyst has been working effectively, together with the informal coordination that occurs on a daily basis. The most recent example of cooperation is the team approach taken to prepare for the Department of Justice tour at the Division of Pretrial Detention and Services. There was cooperation between the contractors and the Department in all disciplines with developing strategies, developing action plans, participating in preparatory audits, and finally presenting to the Department of Justice as a cohesive unit.

**Issue:** The Department should be prepared to discuss what measure were taken that resulted in the reduction in the number of suicides, and how they plan to continue this success.

**Response:**

As with any health care issue, it is dangerous to view single year data as the measure of the success of a program. Rather, programs should be analyzed over multiple years with a goal of seeking a downward trend. It appears that 2005 data suggests a downward trend in suicide occurrences. The decrease is due to a number of factors, including, but not limited to:

- Changes in medical protocols – Changes such as the automatic renewal of anti-depressant medication (rather than placing the burden on the inmate to renew a prescription).
- Cross-training of medical staff – Medical nurses have received additional training in mental health issues (especially suicide) to increase the number of referrals to mental health.
- Development of new suicide directive and procedures – the creation of special observation areas within institutions gives wardens more flexibility to deal with suicide risk than the option to transport an inmate to an acute mental health unit or dismiss the concern.
- Training of correctional staff – suicide prevention training is now featured as a regular part of in-service training to supplement the pre-service training that already exists.
- In depth front-end intake assessment – the new front-end assessment process in the Division of Correction and the revised intake screening process at the Division of Pretrial Detention and Services provides for early detection and identification of mental health issues and potential suicide candidates.

The Department continues to explore additional approaches in this area, including the expansion of the observation process identified above to a full “safe-cell” program with modified cells appropriate to hold and observe a potentially suicidal individual, including camera observation.

**Performance Analysis: Managing for Results** - The Department should be prepared to discuss its plans to improve the closure rate of criminal cases without personnel increases, especially in light of the recent transfer of senior investigators.

**Response:**

The Department has experienced a demand for investigative services in criminal cases that has increased the time required for competent and prudent investigation. Investigation of homicides and contraband cases in 2004 and 2005 consumed a large number of investigative man hours. These types of investigations typically require assignment of multiple detectives over a period of time. When working difficult and complex cases, it is common for detectives to have a limited ability to work on previously assigned investigations. This has increased the time required to adequately investigate and close cases. However, it is important to stress that while the fiscal year closure rate has diminished somewhat, all cases assigned are still investigated thoroughly, and the quality of these investigations and services remains high. This is reflected in user satisfaction surveys.

The closure rate for cases is impacted by several key factors - type and complexity of investigations, demand for services, and the ability to recruit employees dedicated to the mission of the agency. Demand for services has increased while staffing levels have remained virtually unchanged. The turnover in personnel recently experienced has been alleviated by recruitment of new employees to replace those departed.

Recruitment and retention of police personnel are issues common to all police agencies. Working with the Department of Budget and Management, the Department has been successful in developing new classifications to address employees that had worked out of classification as detectives for many years. Salary grades have been assigned to be competitive with other law enforcement agencies. The Department has introduced legislation to correct retirement and pension issues necessary to fully implement the new classifications. If successful, recruitment and retention of personnel will be strengthened and the long-term capabilities of the unit enhanced. The Department, while achieving success at recruitment within the past eighteen months, expects more improvement in its ability to recruit and retain qualified investigators with the bill's passage.

A review of job duties in relationship to work products has also been performed. Past practices regarding investigation assignments have been reviewed and compared with statutory obligation. The benefit of this review will be to increase efficiency by reducing duplicate effort within the Department. Also, the Unit is taking advantage of newer technology to offset older, more costly practices.

While always operating under the concept of timely closure to minimize caseload carry over to the subsequent fiscal year, the Department is continuing to strive to solve investigations and meet the demand for service with high quality products.

**RECOMMENDED ACTIONS:**

1. **Add budget language to restrict the ability of the Department to enter into nonrevenue generating interagency agreements in excess of \$100,000.**

**Response:**

The Department concurs with the analyst's recommendation.

2. **Increase turnover rate by 1%.**

**Response:**

Based upon departmental vacancy reports, the Office of the Secretary had 37.5 vacant positions as of December 31, 2005. In the Fiscal Year 2007 allowance, turnover is budgeted at 7.38% and the Office would need 36 vacancies to meet budgeted turnover. A 1% increase in budgeted turnover would require 5 additional vacancies. If the recommended reduction is taken, the Office will need to maintain 4 more vacancies in Fiscal Year 2007 than it currently has.

**The Department, therefore, requests that the Subcommittee reject the analyst's recommendation.**

3. **Adopt committee narrative requesting the Department of Public Safety and Correctional Services to evaluate and report on a plan for 9-1-1 Call Centers technology upgrades and consumer education.**

**Response:**

The Department concurs with the analyst's recommendation.

4. **Adopt committee narrative directing the Department of Public Safety and Correctional Services to continue quarterly reporting on inmate assaults.**

**Response:**

The Department concurs with the analyst's recommendation.